

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

November 2, 2009 – 4:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Carl Ford, Chairman
Jon Barber, Vice-Chairman
Raymond Coltrain, Member
Tina Hall, Member
Chad Mitchell, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Ford convened the meeting at 4:00 pm.

Commissioner Coltrain provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Hall seconded and the vote to approve the minutes of the October 19, 2009 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

- Chairman Ford moved to add a Proclamation Honoring Veterans Day in Rowan County. The motion was seconded by Commissioner Mitchell and passed unanimously.

Chairman Ford added the issue as agenda item #2a.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the agenda carried unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Coltrain moved approval of the Consent Agenda. The motion was seconded by Commissioner Barber and carried unanimously.

The Consent Agenda consisted of the following:

Consider Approval of Consent Agenda:

- A. Acceptance of Grant through State Homeland Security Program & Approval to Allow Emergency Services Department to Coordinate Potential Exercise Training Grant
- B. Acceptance of Domestic Preparedness Grant & Approval for Emergency Services Department to Coordinate Required Equipment Installation
- C. Acceptance of American Recovery & Reinvestment Act Grant Funding for Elderly Nutrition Services Program
- D. Accept Planning Staff's Recommendation to Employ Hobbs Upchurch & Associates (HUA) to Administer CDBG-Recovery Program Funds & Authorize County Manager to Sign Contract with HUA to Administer Program
- E. Set Public Hearing for November 16, 2009 for Proposed Address Change - Currently Known as 125 West Park Drive
- F. Set Public Hearing for November 16, 2009 for Proposed Address Change – Currently Known as 3292 Poole Road
- G. Set Public Hearing for November 16, 2009 for Proposed Address Change – Currently Known as 3390 Poole Road
- H. Consider Approval of Resolution and Financing Documents for FY 2010 Town Creek Sewer Line Project

2. PUBLIC COMMENT PERIOD

Chairman Ford opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Jim Sides said he had previously complained at a Commission Meeting regarding the County's failure to educate the public on the 1/4-cent sales tax. Mr. Sides said since that time the County had put forth tremendous effort to inform the public of the sales tax referendum on the November 3, 2009 ballot. Commissioner Sides discussed various communications concerning the tax and he questioned the facts supporting the tax.
- Phyllis Sides discussed agenda item #8, which was the Rowan Airport Development Zone Economic Incentive Grant Agreement. Ms. Sides felt that the County should set the terms for any agreement with the City of Salisbury.
- Larry Wright spoke in opposition to the 1/4-cent sales tax referendum and said when taxes were added, it seemed they most often became permanent taxes. Mr. Wright provided examples of how he felt the

County could save money and also suggested forming a citizens' budget review committee.

With no one else wishing to address the Board, Chairman Ford closed the Public Comment Period.

ADDITION

2a. PROCLAMATION HONORING VETERANS DAY IN ROWAN COUNTY

Chairman Ford read a Proclamation Honoring Veterans Day in Rowan County. Chairman Ford said the country appreciated its veterans and was thankful for the job they performed.

Commissioner Barber reported that a group of students at Mt. Ulla Elementary School recently helped raise funds for the Flight of Honor Program. Commissioner Barber said the group also helped to develop an event known as the Triad Flight of Honor, which World War II Veterans were invited to attend on November 7, 2009 at Rowan Museum. Commissioner Barber said the Commissioners were also invited to the event and he encouraged the Board members to attend.

Commissioner Hall expressed appreciation for the country's veterans and their service.

Commissioner Coltrain said the words of the Proclamation were "automatic" in the hearts of the people and he expressed hope that the actions of the citizens' would also convey the message of appreciation to veterans every day.

Commissioner Mitchell said "We can only hope to protect the freedom on the home front that many of those veterans have risked their lives for on the foreign front".

Commissioner Barber moved approval of the Proclamation. The motion was seconded by Commissioner Coltrain and passed unanimously.

The Proclamation read as follows:

PROCLAMATION HONORING VETERANS DAY IN ROWAN COUNTY

WHEREAS, America was founded on the principles of liberty, opportunity and justice for all; and

WHEREAS, America has called on her men and women in uniform to protect our national security, to advance our national interests and to preserve our rights and independence; and

WHEREAS, on Veterans Day we recognize the men and women of our Armed Forces who have valiantly defended these values throughout our Nation's history; and

WHEREAS, on Veterans Day we also remember and pay tribute to the millions of patriots whose courage and sacrifice have secured our freedom and who have kept the peace and defended our values around the globe.

NOW, THEREFORE BE IT RESOLVED that the Rowan County Board of Commissioners does hereby proclaim November 11, 2009 as VETERANS DAY IN ROWAN COUNTY

NOW, THEREFORE BE IT FURTHER RESOLVED that the Rowan County Board of Commissioners calls upon citizens to observe this day with appropriate ceremonies in honor of our veterans, both living and deceased, who have served this country so willingly to preserve the principles of justice, freedom and democracy; to fly the flag and let our veterans know we appreciate their great sacrifice.

3. QUASI-JUDICIAL HEARING FOR PCUR 02-09; REQUEST FROM RANDY L. BEACH

Chairman Ford read the Chairman's Speech (Exhibit A) and declared the public hearing for PCUR 02-09 to be in session. Chairman Ford said the hearing would focus on an application submitted by Randy L. Beach for property located at the intersection of Hader Street and Peach Orchard Lane. Mr. Beach requested that Tax Parcel 407A05601 be rezoned from Commercial, Business, Industrial (CBI) to Industrial with an accompanying conditional use district to allow for the operation of a scrap metal recycling center.

The Clerk swore in those wishing to provide testimony in the case.

Rowan County Planner Andy Goodall presented the Staff Report (Exhibit B) and also provided a power point presentation (Exhibit C), which depicted the site and surrounding areas.

Mr. Goodall said the conditional use rezoning request before the Board involved the relocation of *Mr. Metal Core Recycling*, from its current location near the intersection of US 29 and Peach Orchard Road, in the Salisbury city limits, to the intersection of Hader Street and Peach Orchard Lane. Mr. Goodall said the 7-acre parcel was currently zoned CBI and has 368 feet of frontage along Peach Orchard Lane and 831 feet of frontage along the North Carolina Railroad Company rail corridor.

Mr. Goodall said under current zoning, a scrap-metal recycling center was permitted as a conditional use in the Industrial district; therefore, a rezoning from CBI to Industrial with an accompanying conditional use permit was necessary in order to complete the request.

Mr. Goodall used the power point presentation (Exhibit C) to show the original site plan submitted and said some recommendations were made to improve the site plan. Mr. Goodall said the Planning Board and the Owner approved the new changes to the site plan. Mr. Goodall said the site plan was also turned into the North Carolina Railroad Company to review.

Mr. Goodall said the original site plan proposed a 20' buffer on the rear and side and a 6' privacy fence on the front. Mr. Goodall said the new site plan called for using the right-of-way as a buffer which was approximately 60' from the edge of the property line. Mr. Goodall said the buffer would increase from 20' to 40' at the rear and side, and natural vegetation would be used. Mr. Goodall said the front setback of 50' would also be used as a buffer.

Mr. Goodall said no one had called in opposition to the proposal. Mr. Goodall said one (1) of the owners of nearby property, Mr. Corriher, approved of the idea with the additional buffering.

Mr. Goodall said Staff recommended approval of the request with the additional set backs and buffers. Mr. Goodall said the Planning Board voted 7-0 to recommend approval of the request with the Staff recommended site plan.

Mr. Goodall said if the request met with the Commissioners' approval, the Statements of Reasonableness and Consistency should be adopted and the Findings of Fact should be approved.

Commissioner Coltrain asked if Mr. Beach was okay with eliminating space to increase the natural width from 20' to 40' and Mr. Goodall responded yes.

Commissioner Hall asked if most of the changes in the request were handled at the Planning Board level and Mr. Goodall responded yes. Commissioner Hall said the owner, Mr. Beach, was comfortable with the changes at the Planning Board meeting.

Randy Beach, petitioner, said he agreed with all the recommendations and was planning to remove some smaller shrubs to enable larger vegetation to grow.

With no one else sworn to provide testimony in the case, Chairman Ford closed the public hearing.

Commissioner Mitchell moved to adopt the Statements of Reasonableness and Consistency as recommended by the Planning Board. Commissioner Barber seconded and the motion passed unanimously.

The Statement of Reasonableness read as follows:

The proposed use (scrap metal recycling center) is reasonable for a tract of this size, compatible with the Western Area Land Use Plan and will have minimal impact on surrounding community.

The Statement of Consistency read as follows:

The proposed use (scrap metal recycling center) is consistent with the Western Area Land Use Plan and conforms to the zoning ordinance definitions of the IND district.

Commissioner Mitchell moved to approve the request to rezone tax parcel 407A05601 from CBI to Industrial-CUD. Commissioner Barber seconded and the motion passed unanimously.

Commissioner Mitchell moved the agenda document into evidence. Commissioner Barber seconded and the motion passed unanimously.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve item #1 in the Finding of Facts (Exhibit D) passed unanimously.

Item #1 in the Findings of Facts (Exhibit D) read as follows:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

FACT: *A Regular Commercial Driveway Permit (No. 09-038-RD) was approved by the North Carolina Department of Transportation on September 2, 2009 allowing access to Peach Orchard Lane for parcel 407A05601.*

FACT: *According to the ITE Trip Generation Manual (7th Edition), general light industrial facilities such as scrap-metal recycling centers generate an average of 51.8 daily trips per operational acre. Based on an operational footprint of two (2) acres, the proposed use would generate an average of 103.6 trips per day, which should have a minimal impact on the existing infrastructure.*

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve item #2 in the Finding of Facts (Exhibit D) passed unanimously.

Item #2 in the Findings of Facts (Exhibit D) read as follows:

2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and;

FACT: *No evidence was provided that would indicate the proposal would substantially injure the value of adjoining properties.*

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve item #3 in the Finding of Facts (Exhibit D) passed unanimously.

Item #3 in the Findings of Facts (Exhibit D) read as follows:

3. **That the location and character of the development in accordance with proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.**

FACT: *The proposed site is located within the US 29 commercial and industrial corridor described in the Western Area Land Use Plan.*

FACT: *According to the Western Area Land Use Plan, industrial uses are encouraged in this area of the county if they do not compromise existing commercial or residential uses. The site plan proposes the use of additional screening and buffering measures to incorporate the proposed industrial use (scrap-metal recycling) without adversely affecting the surrounding area.*

FACT: *IND districts are typically located in areas that have access to major highways, rail lines and other significant transportation systems. The parcel is located in an area that is comprised of a mix of commercial, industrial and residential uses and has access to US 29 (0.28 miles), I-85 (1.2 miles) and the railroad (adjacent).*

Commissioner Mitchell moved approval of PCUR 02-09 with Staff conditions listed on page five (5) of the Staff Report (Exhibit B). Commissioner Barber seconded and the motion passed unanimously.

4. PUBLIC HEARING TO CONSIDER TEXT AMENDMENTS TO SUBDIVISION AND ZONING ORDINANCE

Senior Planner Shane Stewart reported that Staff had discovered inconsistencies within the Subdivision and Zoning Ordinance regarding the definition of “family” subdivision and immediate family. Staff also recommended correcting several typographical errors. Mr. Stewart highlighted the text (a copy of which is attached and incorporated into the minutes), stating that existing text proposed to be removed from the ordinance appeared in the agenda packets as strikethroughs and the proposed text appeared as **bold**.

Mr. Stewart said the Planning Board voted unanimously (7-0) on September 28, 2009 to recommend approval of the changes.

Chairman Ford opened the public hearing to receive citizen input regarding the proposed text amendments to Subdivision and Zoning Ordinance.

With no one wishing to speak, Chairman Ford closed the public hearing.

Commissioner Coltrain said he was fine with the document but expressed concern with the requirement for a 10’ setback in the side and rear yards in an RA district. Commissioner Coltrain asked that continued consideration be given to extending the setback to 20’ for rural areas.

Mr. Stewart said the Planning Board could consider the setback requirements and submit to a committee for review.

Commissioner Mitchell said he was fine with 10' setbacks.

Commissioner Hall inquired if the Planning Board had already considered setback requirements. Mr. Stewart explained the Planning Board focused on minor text changes and Commissioner Coltrain's suggestion would take further review.

In response to Commissioner Hall, Mr. Stewart replied the ordinance had been in effect since 1998 and there had been very little change over time.

Commissioner Barber moved approval of STA 01-09 and ZTA 01-09 miscellaneous amendments to Subdivision and Zoning Ordinance. Commissioner Mitchell seconded the motion.

Commissioner Coltrain said he was going to vote in favor of the document but the setback requirements should be kept in mind.

Upon being put to a vote the motion passed unanimously.

5. PUBLIC HEARING FOR ECONOMIC DEVELOPMENT INCENTIVE FOR MAGNA COMPOSITES

Economic Development Director Robert Van Geons presented the Economic Impact Analysis (Analysis) for the proposed expansion of Magna Composites. Mr. Van Geons provided a power point presentation and highlighted the progress of the project.

Matthew R. Tacia, Executive Director of Magna was present to answer any questions.

Mr. Van Geons said the company must perform in order to receive assistance and failure to meet goals would cause a reduction in assistance or an elimination of assistance. Mr. Van Geons said the company must perform for an extended period of time prior to receiving County funds. Mr. Van Geons explained if the project were approved by all parties and completed next year, Magna would not be eligible to request their first grant of assistance until the following fiscal year 2011-2012. Mr. Van Geons said the County was not being asked to "front" any part of the proposed project.

Mr. Van Geons said the proposed project would represent approximately \$7.8 million of new investment in Rowan County and would support 198 existing fulltime positions, 60 temporary employees and rapidly create 162 new jobs.

Mr. Tacia said Magna purchased the former Meridian Automotive Systems plant in Salisbury, Newton and Lenoir, as well as several plants in Mexico. Mr. Tacia said there were also plants in Indiana; however, Magna did not buy those facilities. Mr. Tacia said Magna purchased the business and would need to find a new home over the next three (3) years.

Mr. Van Geons said the request appeared to meet the criteria for a level 1 grant according to the existing policy. Mr. Van Geons said Magna did not request any alterations to the standard agreement or the attachment that specifically related to documentation of workers.

Mr. Van Geons showed a “snapshot” for the time period/investment and explained that the information could change if Magna invested more.

Chairman Ford opened the public hearing to entertain citizen input regarding the economic grant incentive for Magna Composites.

With no one wishing to speak Chairman Ford closed the public hearing.

Commissioner Barber asked if there were ways to partner with Magna in order to create more jobs in Rowan County. Mr. Tacia responded that quality training for the workforce was needed and would be important to the success of the project.

Commissioner Barber inquired on the timeline for the project and Mr. Tacia said it would take approximately 24 months. Mr. Tacia said the timeline would be driven by when the customers change over their vehicles.

Commissioner Coltrain said he looked forward to working with Magna and he pointed out that in addition to creating 162 jobs, 198 jobs would be protected.

Commissioner Hall said the expansion was primarily about jobs and that she was impressed with the 162 new jobs and average wages of \$40,000.

Commissioner Hall moved to accept the proposal from Mr. Van Geons and the Economic Development Commission. Commissioner Mitchell seconded and the motion passed unanimously.

Commissioner Mitchell said the current investment grant policy only rewarded a company for investment dollars. Commissioner Mitchell asked if the Board would be interested in hearing a presentation from Mr. Van Geons in regards to the creation of new factors for the grant, mainly jobs.

The Board agreed by general consensus to hear a presentation.

Chairman Ford thanked Mr. Van Geons and Magna Composites for bringing new jobs to Rowan County.

Chairman Ford called for a recess at 5:05 pm.

Chairman Ford reconvened the meeting at 5:15 pm.

6. CONSIDER APPROVAL OF ADDITIONAL H1N1 FUNDING

Health Department Director Leonard Wood said local county health departments were informed in October of additional H1N1 allocations from the federal government/Center for Disease Control (CDC). Mr. Wood said funding was intended to provide financial resources for implementing a mass vaccination campaign at the local level.

Mr. Wood explained that the additional funding must be spent by May 31, 2010 and would be used to pay for:

- Temporary contracted services assuring vaccine safety monitoring and reporting.
- Tracking vaccine and vaccine ancillary supplies.
- Supporting logistical and administrative costs associated with vaccine administration sites.
- Implementing community strategy to reach the public.
- Administering vaccine at public health-organized clinics.
- Identifying, engaging, and enrolling private sector partners for potential vaccine administration.
- Purchasing of personal protective equipment.

Mr. Wood asked the Board to approve receipt of the additional H1N1 allocations in the amount of \$301,601.

Commissioner Coltrain moved, Commissioner Hall seconded and the vote to approve the request as presented passed unanimously.

7. REPORT ON EMS RESPONSE TIMES

Emergency Services Director Frank Thomason reported that staff had met earlier in the year with representatives of the City of Kannapolis at their request to discuss improving response times by the Rowan County EMS ambulances to the southern portion of the County, and specifically to the City of Kannapolis.

Mr. Thomason said staff had reviewed response times and cited the need to increase capacity in the EMS Division by the addition of ambulance resources. Mr. Thomason said budget constraints had prevented these additional resources and the volume of calls and needs had continued to grow.

Mr. Thomason said the ultimate goal was to add additional county resources; however, as an interim measure for southern Rowan, staff was recommending utilization of a paramedic staffed ambulance provided by the Rowan County

Rescue Squad. If approved, staff would develop a peak response time schedule where the Rescue Squad would provide this resource.

Mr. Thomason said utilization and allocation of the additional resource would be reviewed on an annual basis in a formal report by staff to the Board of Commissioners and City of Kannapolis officials until such time as additional county resources could be committed to meet the response time goals for the area.

Commissioner Barber asked how the County's response times compared to the national average. Mr. Thomason said the response goal was nine (9) minutes or less for larger populated areas and for more rural areas the goal was twelve (12) minutes or less. Mr. Thomason said last fiscal year there was no area in the County where the response time goals were met.

Commissioner Coltrain asked if the Rescue Squad would receive the revenue from the calls they responded to and Mr. Thomason said it would be approximately \$60,000 for the calls the rescue squad would handle.

In response to Chairman Ford, Mr. Thomason said the top two (2) areas for call volume were Salisbury and Kannapolis.

Mr. Thomason expressed hope that additional resources to handle the call volume would help make core resources available for other areas of the County.

Commissioner Hall asked how the opening of the Salisbury location had helped and Mr. Thomason said preliminary readings showed some response time reductions.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the plan passed unanimously.

8. CONSIDERATION OF PROPOSED AIRPORT DEVELOPMENT ZONE ECONOMIC INCENTIVE GRANT AGREEMENT WITH CITY OF SALISBURY

County Manager Gary Page said he had presented a proposed Airport Development Zone Economic Incentive Agreement (Agreement) at a previous commission meeting. Mr. Page said the Agreement would be a joint effort between the County and the City of Salisbury (City) to lower their respective tax rates in order to make the Rowan County Airport (Airport) more competitive with other airports in the region.

Mr. Page said Chairman Ford had appointed a committee of two (2) Commissioners to meet with the City to discuss the terms of the agreement. The committee members met October 21, 2009 and agreed the area considered in the Airport Economic Development Zone (Zone) should be comprised of the

Airport property already annexed by the City. The Committee agreed that as development occurred, the City would have the option to annex at a later date.

Mr. Page said the term of the Agreement would be for ten (10) years and the tax rate for each governing entity would be \$.40 cents for a combined tax rate of \$.80 per \$100 of real value for property in the Zone.

Mr. Page said two (2) items had been added to the proposed Agreement since the date of the Committee meeting. Mr. Page said Section 8 was added to allow the managers and finance directors of each entity to meet to resolve any conflicts. Mr. Page said the airplane owners would apply for the incentives and once granted, the City would set aside \$.10 cents (of its \$.40 cent rate) for an Airport Development Fund for capital projects. Mr. Page said the County could apply for those funds and if the City denied the request, Section 8 allowed for the managers and finance officers to meet to resolve the request.

Mr. Page defined a "qualified taxpayer" and he explained the process for qualified taxpayers to reapply annually for the incentives.

Mr. Page said the Airport Advisory Board met on October 26, 2009 and voted 2-1 (two board members were absent) to approve the Agreement. Mr. Page said the member in opposition had wanted the tax rate even lower. Mr. Page pointed out if the Board approved the Agreement, it would take affect this year.

Mr. Page said he and the County Attorney had met with the City officials earlier today and they did not have a problem with the two (2) additions. Mr. Page said if the Board approved the Agreement, it would go to the City for approval.

Commissioner Hall asked Mr. Page if the Airport was still "in the red" as far as operation expenses. Mr. Page said the current budget showed that \$157,000 must be transferred from the General Fund at the end of the year to subsidize the Airport. Mr. Page said the figure could be more or less depending on grants.

Commissioner Mitchell questioned the total property tax dollars received from the Airport. Finance Director Leslie Heidrick said in 2009 the amount was approximately \$212,000, which was put into the General Fund. Ms. Heidrick said the Airport had only been an Enterprise Fund for one (1) full year. Ms. Heidrick said operation expenses broke even last year even though money had to be transferred to cover the grant matches.

Commissioner Hall said 75% of the City's tax dollars would go into the City's General Fund to pay for the needs of Salisbury, with 25% going to an enterprise development fund that the City would control.

Mr. Page explained that in the past no funds from the City were used for Airport improvements; however, under the proposed Agreement, the City would earmark

25% towards an airport development fund and the remainder would go towards balancing their budget.

Commissioner Mitchell said the Airport had many positives but the one hindrance was the \$1.18 tax rate. Commissioner Mitchell said the City currently had \$.59 cent tax rate and the Board's only option was to negotiate for a lower combined tax rate. Commissioner Mitchell said a 60/40 split had been negotiated and was probably the best deal the County would get.

Commissioner Mitchell said the Board could either move on the proposed document or it would go back on the shelf to collect dust for another several years. Commissioner Mitchell said the County would need ten (10) new planes to make up the lost revenues in the negotiations for the new tax rate.

Commissioner Barber said he considered the Agreement to be an economic tool and he felt the Airport Advisory Board was working hard to help develop opportunities to move forward.

Commissioner Barber moved to agree to the proposed Agreement with the City. The motion was seconded by Commissioner Coltrain.

Commissioner Coltrain thanked Chairman Ford and Commissioner Mitchell for demonstrating a cooperative attitude on the issue. Commissioner Coltrain said he was in favor of the effort for economic development for the County.

Chairman Ford said the two (2) members who were not present at the Airport Advisory Board meeting had said they would have voted against the Agreement. Chairman Ford said, "This goes to show even more that annexation laws in North Carolina need to be changed." Chairman Ford said the County had lost several opportunities for revenue at the Airport due to the tax rate. Chairman Ford said he had a problem with the City controlling the Airport Development Fund and that he would support the Agreement wholeheartedly if the County at least had partial control over the funds.

Commissioner Hall said the tax rate had scared business away and what had been good for the City was bad for the County. Commissioner Hall also said forced annexation had occurred at the Airport without the knowledge of the Board.

Commissioner Hall expressed concern with several aspects of the Agreement and suggested the County go back to the table with the City. Commissioner Hall said she could not support the Agreement.

Commissioner Mitchell said the City was willing to take the incentive rate to whatever level the County wanted and that the rate could be changed at any time.

Chairman Ford said he would like for the County to have control of the fund.

Commissioner Mitchell moved to amend the contract such that the Airport Development Committee as described in the Airport Development Fund had control of the \$.10 cent match from the City. Commissioner Barber accepted the amendment to the motion.

Commissioner Mitchell said the Committee would determine whether requests were considered an appropriate expense.

County Attorney Jay Dees explained that the Agreement read if the Airport Manager made a request to the City and the request was denied, the request would be referred to the Airport Development Committee consisting of managers and finance officers.

Commissioner Mitchell reiterated that he wanted the first request to go to the Airport Development Committee.

Commissioner Coltrain asked how the change would be received by the City. Mr. Dees said he did not feel the change would be received negatively. Mr. Dees said qualified expenses were for capital improvements and would include grant match requirements. Mr. Dees said if the City turned down the request, it would be deferred to a committee on which the County had representation. Mr. Dees said the City wanted to hold the money as part of their package.

Commissioner Mitchell said the Board would not have to ask the City Manager for one cent as the request would go to the Committee.

Commissioner Hall asked for clarification that when a request went to the committee, it was "the end" and Commissioner Mitchell said yes under the amendment to the motion.

Commissioner Hall asked if the motion included adjusting the tax rate at any time and Commissioner Mitchell responded yes.

Commissioner Hall asked if Commissioner Mitchell would be amenable to adjusting the term to five (5) years. Commissioner Mitchell said the program could be terminated at any time.

Commissioner Mitchell repeated the motion to amend the main document such that the initial request that comes from the Airport Manager would go to the committee as described under the section for the Airport Development Fund. Commissioner Barber seconded and the motion passed unanimously.

Commissioner Barber repeated his motion, which had been seconded by Commissioner Coltrain, to agree to the proposed Airport Development Zone Economic Incentive Grant Agreement with the City of Salisbury.

Upon being put to a vote the motion passed unanimously.

9. DISCUSSION REGARDING TDA STAFF

Chairman Ford said he and Commissioner Coltrain had met with the Rowan County Tourism Development Authority (RCTDA) and questions had been raised that he felt the Board should address. Chairman Ford said the City of Salisbury (City) would like to consult with the RCTDA staff regarding possible members for the Salisbury Tourism Development Authority (STDA).

Commissioner Coltrain said the TDA was a public authority appointed and created by the General Assembly. Commissioner Coltrain said “their rules of operation and guidelines are determined by the legislature, not by any municipality or county.” Commissioner Coltrain said the City was requesting permission to utilize a board that the Commissioners had no responsibility over. Commissioner Coltrain said he respectfully disagreed that the County should be concerned with the request and that he felt the Board should encourage entities to work together to make informed decisions.

Chairman Ford respectfully disagreed with Commissioner Coltrain and said he did not want to be perceived as hiding information from his fellow Commissioners or the public.

Commissioner Hall said she had also attended the meeting and she felt the group was asking for guidance from the Board. Commissioner Hall said the City’s tourism board was separate from the County’s and allowed funds to be used for capital projects. Commissioner Hall said the County’s TDA only promoted tourism and did not fund capital projects. Commissioner Hall said there was nothing wrong with working together to promote Rowan County; however, the City had decided to go a different direction.

Commissioner Barber said he hoped the “politics could be taken out” and let the two (2) advisory groups decide what would work best. Commissioner Barber said he heard discussions that the County’s TDA Director was driving the legislation for the City. Commissioner Barber said those comments were not true and that City staff had been the driving force behind the legislation.

Chairman Ford said he had been told by Senator Andrew Brock that County TDA staff was the driving force behind the legislation.

Commissioner Mitchell said he did not want to see a redundancy of effort, or tax dollars wasted, and that he preferred for the committee to continue its work and

to visit a model county to provide a recommendation as to how the two (2) TDA's could work together.

Commissioner Mitchell moved to allow the committee to continue its work and Commissioner Barber seconded the motion.

After a brief exchange between Commissioners Barber and Hall, Chairman Ford called the question. Upon being put to a vote the motion on the floor passed unanimously.

10. DISCUSSION REGARDING MEMBERSHIP WITH CENTRALINA COUNCIL OF GOVERNMENTS

Commissioner Hall said the Board had been made aware of a concern regarding Centralina Council of Governments (COG) and their involvement with the Metropolitan Planning Organization (MPO). Commissioner Hall discussed an email in the agenda packets from Representative Fred Steen pertaining to the issue of air quality.

Commissioner Hall said at the September MPO meeting there was a discussion and a presentation on air quality. Commissioner Hall explained that the MPO must submit an overall plan to the State; however, there was concern that negative comments from COG could hold up funding for projects such as the Yadkin River Bridge and the widening of I-85. Commissioner Hall said she had talked with Cabarrus County Commissioner Bob Carruth who stated Cabarrus County Commissioners were also concerned by the negative comments from COG.

Commissioner Hall said she wanted to make the Board aware of the situation. Commissioner Hall said she also had concerns with COG for aligning itself with a municipality on forced annexation. Commissioner Hall said COG had assisted the City of Salisbury with the annexation of the Rowan County Airport area, as well as the Highway 150 area.

Commissioner Hall pointed out that the County paid annual membership dues to COG, yet COG resources were used against Rowan County on the issue of annexation. Commissioner Hall said COG was now hurting the MPO with negative comments on air quality that could affect the overall State Improvement Plan and possibly delay the Yadkin River Bridge project and the widening of I-85. Commissioner Hall said Mecklenburg and Union County stood to gain more money while Rowan and Cabarrus Counties would lose money.

Commissioner Hall said Rowan County paid \$34,122 in dues this year, plus \$4,000 for the Centralina Economic Development Commission (CEDC). Commissioner Hall said in knowing COG was at odds with Rowan County in several areas, including annexation, she would like for the Board to consider withholding funding from COG.

Commissioner Hall moved to pull out of COG and Commissioner Mitchell seconded the motion. Commissioner Mitchell inquired if the motion would include the CEDC. Commissioner Mitchell said he would like additional information from the Rowan County Economic Development Commission before deciding to withhold CEDC funds.

Commissioner Hall said the motion would be for the \$34,122 annual dues.

Commissioner Coltrain said he was the Board's liaison to COG. Commissioner Coltrain said, "This is new, direct information for me". Commissioner Coltrain said he would like to share information with the public on the role of COG, as well as the benefits Rowan County received through its membership with COG. Commissioner Coltrain read a list of services offered by COG.

Commissioner Coltrain noted the benefit of \$1.9 million in grant money through COG for the County's membership investment of \$34,000. Commissioner Coltrain said he hoped the Board would not turn down the opportunity to help people. Commissioner Coltrain said he had never attended a COG meeting where he had felt it had been a waste of time. Commissioner Coltrain said it would be a significant mistake not to continue the relationship with "our neighbors".

Commissioner Coltrain said he had asked COG Executive Director, Al Sharpe, and Assistant Director Rebecca Yarbrough to attend the meeting to address the Board and to answer any questions the Commissioners' might have.

Chairman Ford said he would not allow the representatives to speak as he did not know of the presentation in advance.

Commissioner Hall provided the Board with a handout that had been distributed at the MPO meeting.

Commissioner Coltrain said the Board was being asked to make an informed decision pertaining to its membership with COG and he respectfully asked that the representatives from COG be allowed to provide additional information.

Commissioner Mitchell said he felt that Commissioner Coltrain should have provided the list of information he had read in advance. Commissioner Mitchell said he suspected much of what Commissioner Coltrain had read pertained to grants received through the CEDC. Commissioner Mitchell said he wanted to hold off on a decision for the CEDC until the Rowan County EDC Director could weigh in.

Commissioner Coltrain said he had learned that the discussion regarding COG was on the agenda when he had received his packet. Commissioner Coltrain

said as the liaison to COG, he had begun to gather information to be prepared to answer any questions from the Board.

Commissioner Mitchell said if COG wished to provide the Board with a document containing the information that had been mentioned, he might consider the information at that time. Commissioner Mitchell said he supported putting COG “on the clock” based on the time limit for the Board’s decision.

Commissioner Coltrain said he would be glad to provide the Board with the document he had received.

Commissioner Coltrain said he had arranged a meeting with Representative Fred Steen, Mr. Sharpe, Ms. Yarbrough, and himself earlier in the day. Commissioner Coltrain said every one of the counties involved with COG felt the Yadkin River Bridge was a primary project for the year.

Commissioner Coltrain said COG was obligated to provide information requested by cities. Commissioner Coltrain said there was a difference in providing requested information as opposed to taking a stance. Commissioner Coltrain asked if the discussion could be tabled and a decision made at another meeting.

Commissioner Barber asked if the dues were already paid for this fiscal year and Mr. Page responded that the dues had been paid in August.

Commissioner Barber said he felt the vote on membership required more information and further dialogue. Commissioner Barber said since dues had been paid the Board could discuss the issue at the planning retreat or during budget discussions. Commissioner Barber said he could not support the motion as it stood since the Board had never agreed upon what it wanted to “fix” and communicate those concerns to COG. Commissioner Barber said the Senior Services Department utilized COG extensively and there could be increased costs to Senior Services without COG. Commissioner Barber said he would like to know what impact the withdrawal would have on Senior Services. Commissioner Barber said the County received 60 hours of free consulting work from COG annually and to the best of his knowledge, those hours had never been used. Commissioner Barber asked if it was possible to trade the consulting work to the municipalities if the County was not using the hours. Commissioner Barber said he needed more information to make an informed decision and that he could not support the motion as it stood.

Chairman Ford said Cabarrus County had discussed its COG membership extensively and would be making an official decision in December. Chairman Ford said from what he understood, Cabarrus County had a few problems with COG, including concern with the widening of I-85 and the Yadkin River Bridge. Chairman Ford said the County did not want to lose grant money and could begin writing its own grants. Chairman Ford said the County could still pay the

\$17,000, which was less than 50% of the membership dues, and still receive the Senior Services grant. Chairman Ford said the Board still had six (6) months to gather information. Chairman Ford said the motion tonight was to withdraw membership from COG at the end of the budget year.

Commissioner Mitchell said the County was basically providing notice to COG that it would not be renewing its membership.

Upon being put to a vote the motion on the floor passed 3-2 with Commissioners Barber and Coltrain dissenting.

11. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Health Department – To increase Environmental Health Travel and Supplies: Office receiving \$2851 from NC Tobacco Prevention and Control Branch to implement new smoke-free laws.
- Health Department – Revised Smart Start Rowan funding allocations for FY 2009-10. The Nutrition and Physical Child Care Program position was terminated July 30, 2009 - \$37,147
- Health Department – Add new caseload funding from the Nutrition Services Branch WIC Allocations of \$39,920. To be used in Contracted Services.

Commissioner Mitchell moved, Commissioner Hall seconded and the vote to approve the budget amendments as presented passed unanimously.

12. CONSIDER APPROVAL OF BOARD APPOINTMENTS **JUVENILE CRIME PREVENTION COUNCIL**

Lynn Richards submitted an application to serve as an At Large member. The term would be for two (2) years beginning November 1, 2009 and expiring June 30, 2011.

Commissioner Mitchell nominated Lynn Richards and the nomination carried unanimously.

CRIMINAL JUSTICE PARTNERSHIP BOARD

Frank "Wayne" Laney, Jr. submitted an application to serve as an At Large member. The term would be for two (2) years beginning November 1, 2009 and expiring October 31, 2011.

Commissioner Mitchell nominated Mr. Laney and the nomination passed unanimously.

ZONING BOARD OF ADJUSTMENT

Elizabeth Cox submitted an application to serve as an Alternate. The term would be for three (3) years beginning November 1, 2009 and expiring October 31, 2012.

Commissioner Mitchell nominated Elizabeth Cox and the nomination carried unanimously.

THERAPEUTIC RECREATION ADVISORY BOARD

Dr. Lane Graham submitted an application for consideration and would be filling the vacancy from a previous member. The term would expire March 31, 2011.

Commissioner Mitchell nominated Dr. Lane Graham and the nomination carried unanimously.

SALISBURY-ROWAN COMMUNITY ACTION AGENCY

Rodney Queen has submitted an application for reappointment. The term would be for two (2) years beginning November 1, 2009 and expiring October 31, 2011.

Commissioner Mitchell nominated Rodney Queen and the nomination passed unanimously.

SALISBURY-ROWAN HUMAN RELATIONS COUNCIL

Peggy Johnson and Jill DeBose have submitted letters of resignation and to date no applications to fill their vacancies have been received. Ms. Johnson's term ends October 31, 2011 and Ms. DeBose's term ends February 28, 2011.

Commissioner Mitchell moved to accept the letters of resignation from Peggy Johnson and Jill DeBose and the motion passed unanimously.

13. ADJOURNMENT

There being no further business to come before the Board, Commissioner Mitchell moved to adjourn at 7:10 pm. The motion was seconded by Commissioner Hall and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC
Clerk to the Board